

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: ENVIRONMENTAL RESOURCES *[Signature]*

BOARD AGENDA # *B-10

Urgent Routine

AGENDA DATE January 29, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of Amended Bylaws for the Hazardous Waste Management Advisory Committee

STAFF RECOMMENDATIONS:

Amend bylaws for the Hazardous Waste Management Advisory Committee.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2008-068

On motion of Supervisor Grover, Seconded by Supervisor O'Brien
and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini, and Chairman Mayfield

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. BD-52-21

DISCUSSION:

The Hazardous Waste Management Advisory Committee (HWMAC) is made up of 12 members from our local cities and the County as well as members from industry, community based organizations and the public. The HWMAC meets quarterly to review hazardous waste management planning issues. The committee was formed in 1987 to assist in the preparation of the County's Hazardous Waste Management Plan. The Board of Supervisors approved the bylaws for the committee on September 12, 1989.

The HWMAC wishes to amend its bylaws so that their regularly scheduled meetings will coincide with the regular meetings of the Local Task Force on Solid Waste (LTF). There have been several occasions where discussion topics were on both the HWMAC and the LTF agendas. There are also several committee members who are members of both committees. The amended bylaws will allow those members who are part of both committees to meet on the same day, at times that follow one right after the other.

Currently, the HWMAC meetings are scheduled quarterly on every fourth Wednesday, at 5:30 p.m. The HWMAC wishes to amend the bylaws in Article V, Section 1, Frequency and Time of Meetings, so as to meet quarterly (January, April, July, October), on every third Thursday at 4:45 p.m., beginning in April, 2008.

On January 10, 2008, committee members voted to amend the bylaws and change the time and frequency of the meetings and are submitting the amended bylaws to the Board for approval as specified in Article IX, Section 2. A copy of the amended bylaws is available for review from the Clerk of the Board, and labeled as Attachment "A."

POLICY ISSUE:

The Board of Supervisors should determine if amending these bylaws is consistent with the Board's priorities of ensuring a safe community and healthy community.

STAFF IMPACT:

There are no staffing impacts associated with this item.

HAZARDOUS WASTE MANAGEMENT ADVISORY COMMITTEE

JANUARY 1995
AMENDED JANUARY 2008

BYLAWS

ARTICLE I

Name

The name of this body shall be the STANISLAUS COUNTY HAZARDOUS WASTE MANAGEMENT ADVISORY COMMITTEE. Whenever the term "Committee" is used in these Bylaws, it shall mean the Stanislaus County Hazardous Waste Management Advisory Committee.

ARTICLE II

Authority

The authority for the formation and operation of the Committee is set forth by Stanislaus County Board of Supervisors' Resolution #87-1136 dated September 1, 1987.

ARTICLE III

Purpose

The purpose of the Committee shall be:

- (a) To advise county staff, the Board of Supervisors and cities on issues related to the development, approval, and administration of the County's Hazardous Waste Management Plan and hazardous waste management issues generally.
- (b) To hold informal public meetings and workshops to provide the public with information, and to receive comments during preparation of the County's Hazardous Waste Management Plan.

ARTICLE IV

Membership

Section 1. Composition

The composition of the Board is set forth in Section 25235.2, California Health and Safety Code.

The composition of the Board shall consist of twelve (12) members as follows:

- 1 Large Industry Member
- 1 Small Industry Member
- 1 Public Member
- 2 Technical Members

- 1 Agricultural Industry Member
- 1 Environmental Member
- 4 City Members
- 1 County Member

There shall be such other standing, special, and ad hoc committees or task forces as the Chairperson shall appoint with the approval of the Committee.

Section 2. Other

The Chairperson shall be an ex-officio member of all committees and task forces. All plans and/or recommendations from a committee or task force shall be presented by the Committee Chairperson, or designee, to the Committee for their action and shall be acted upon at the next regularly scheduled meeting of the Committee.

ARTICLE V

Meetings

Section 1. Frequency and Time of Meetings

The regular meetings of this Committee shall be held on a quarterly basis (January, April, July, October) on the third Thursday of the month at 4:45 p.m. The Chairperson may, at his/her discretion, cancel a meeting.

Section 2. Special Meetings

Special meetings may be called by the Chairperson or seven (7) of the Committee members.

Section 3. Public Participation

All meetings of the Committee shall be open to the public as provided for by the Brown Act. The Committee shall make a special effort to involve the public and interested groups in committee activities and decisions.

ARTICLE VI

Parliamentary Rule

Section 1. Conduct of Meetings

The meetings of this Committee shall be conducted in accordance with Robert's Rule of Order (Revised Edition).

Section 2. Quorum

Seven (7) members of the total official membership, including such alternates as may be designated by a voting member, shall constitute a quorum. A voting member may designate an alternate by notifying the Hazardous Materials Division, County Department of Environmental Resources.

Section 3. Vote Required for Action

A majority of the Committee members present and voting, provided there is a quorum voting, shall constitute the vote required for action. An alternate, attending at the request of a Committee member, shall not have voting privileges unless authorized in writing by the voting member to cast a proxy vote.

Section 4. Attendance at Meetings

Members are expected to attend all meetings of the Committee. A member who is unable to attend a meeting shall give advance notice of his/her inability to attend to the Committee Chairperson, Committee staff, (the Hazardous Materials Division, County Department of Environmental Resources), or have an alternate attend the meeting. A member shall not use an alternate for more than two meetings during any calendar year.

Section 5. Vacancies

A. Absences

A member who is absent (a) from a regular meeting who has not given advance notice or has not been represented by an alternate as provided in Article VI, Section 4, or (b) from two regular meetings within a calendar year, including those attended by an alternate, shall be notified, in writing, by the Chairperson that his/her absences will be discussed at the next regular meeting of the Committee, and a vote taken, in the presence of a quorum, to recommend to the appointing authority that the member be removed from the Committee.

B. Termination

A member may be removed from the Committee by the appointing authority upon the recommendation of the Committee by a vote of seven (7) members.

ARTICLE VII

Officers

The officers of the Committee shall consist of a Chairperson and Vice-Chairperson who shall be elected annually. Election of officers shall be held at the first regularly scheduled meeting of the Committee in January of each new calendar year.

Nominations shall be submitted by the Nominating Committee in December, or made from the floor. Officers shall be elected to serve for one year or until their successors are elected.

In the event that the Chairperson and Vice-Chairperson are unable to attend a scheduled meeting, the members present shall elect a Chairperson to preside over that meeting.

ARTICLE VIII

Committee and Task Force

Section 1. Nominating Committee

A nominating Committee of three (3) members shall be appointed by the Chairperson, with concurrence of the Committee, to meet one month prior to the election of officers. This Committee shall report to the Committee with recommendations for officers for the following year.

Section 2. Term of Office

The term of each member of the Committee shall be for three (3) years. If, however, prior to the expiration of such term, a member ceases to retain the status that qualified him/her for appointment on the Committee, his/her membership on the Committee shall terminate and there shall be a vacancy on the Committee.

A person appointed to complete an unexpired term shall not be considered to have served a term. Members completing unexpired terms may be reappointed to serve for two (2) consecutive terms.

Committee members shall be limited to no more than two (2) consecutive terms. Members shall also serve without compensation.

Section 3. Filling Vacancies

Vacancies shall be filled by the Board of Supervisors in accordance with the California Government Code, Part 1 of Division 2 of Title 5, Chapter 10, Sections 54970-54974 (Maddy Local Appointive List Act of 1975). The Maddy Local Appointment List Act requires that the Board of Supervisors prepare an appointment list for all boards, commissions and committees for which they have appointment power. The Act further requires that a special vacancy notice be posted in the office of the County Clerk, and in other places as directed by the Board of Supervisors, within 20 days after the vacancy occurs; and prohibits an appointment to a position for 10 days after the notice is posted (except in the case of an emergency).

Section 25135.2 of the California Health and Safety Code requires the City Selection Committee (authorized under Article 11, Chapter 1, Part 1, Division 1, Title 5, Government Code), to appoint city members to the Advisory Committee. All city vacancies shall be referred to the City Selection Committee for appointment.

Section 4. Conflict of Interest

When any case is being discussed, considered, or voted upon by the Committee that involves potential financial benefit to a member, or the review of an agency with which an individual Committee member is affiliated, the Committee member shall abstain from such discussion, consideration and vote.

ARTICLE IX

Adoption and Amendment

Section 1. Adoption

These Bylaws shall become effective immediately upon approval by a majority of the membership of the Committee and approval of the Stanislaus County Board of Supervisors.

Section 2. Amendment

These Bylaws may be amended by a two-thirds (2/3) vote of a quorum of the Hazardous Waste Management Advisory Committee provided that fifteen (15) days prior to the meeting, the full Committee is notified of the language of such changes(s) and of the time, date and place of the intended voting on such change(s). The amendment will not be effective until approved by the Stanislaus County Board of Supervisors.